

C H A P. CXXXIX.

of a firm quality, that may be found on any lands adjoining or contiguous to the said road for which the same may be wanted, without leave of the owner, or making him or her any compensation for the same, provided that no stone quarried, or gravel land, or dirt collected by the owner for his own use or for sale, shall be so taken or applied, or any enclosure laid open to obtain the same without leave of the owner or owners first being had.

IX. AND BE IT ENACTED, That out of the monies so to be levied by the provisions of this act for opening and straightening the road aforesaid, the levy court of Washington county aforesaid shall cause to be paid the expenses attending the laying out, surveying, marking and platting, the said road, and also to pay the damages any person may have sustained by the said road running over his, her or their land, agreeably to the provisions contained in this act.

C H A P. CXL.

Passed Decem-
ber 25, 1810.

An ACT to vest certain powers in the Orphans Court of Charles County.

WHEREAS Sarah Dyson, of Charles county, has by her petition to this general assembly set forth, that she is guardian to a certain Thomas Leftwich, of Charles county, that the said Thomas is seized of a real estate in the said county of considerable value, but that the same is entirely deficient in wood and timber, that it would be of great advantage, and that it is practicable, to purchase a piece of well timbered land lying contiguous to the said estate; that the said Thomas has a number of negroes, and that it would be adviseable to sell some of them to purchase the said lands, and praying that a law may pass authorising a sale of the negroes and a purchase of the lands, and it appearing right to this general assembly that if the said sale and purchase would be advantageous to the said minor that a law ought to pass; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That the orphans court of Charles county be and they are hereby authorised and empowered to order and adjudge, in case it shall appear to them to be beneficial to the interest of the said Thomas Leftwich, that his guardian shall sell and dispose of certain negroes to be by them designated, and upon such terms as they may think consistent with the said minor's interest, and from the proceeds thereof buy such lands as they shall think proper, having regard to the quantity, quality and title of the same, for the use of the said minor.

III. AND BE IT ENACTED, That if the said orphans court shall think proper to order the said purchase to be made, the said lands shall, if the said minor shall die intestate, be considered and subject to distribution as if the same was personal estate.

C H A P. CXLI.

Passed Decem-
ber 25, 1810.

An ACT to ascertain and provide for the payment of certain damages sustained by John Logsdon, and others, of Frederick County.

WHEREAS it is represented to this general assembly, by the petition of John Logsdon, Philip Worbell, John Diffenbough, John Cover, John Mathias and Peter Erb, that they have received considerable damage in their property by the Baltimore and Reister's-town turnpike road being located and made through their farms, by the president and managers of said company, and pray the legislature to pass a law by which they may be compensated for the damages thus sustained; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That it shall be lawful for the said John Logsdon, Philip Worbell, John Diffenbough, John Cover, John Mathias and Peter Erb, or either of them, to apply to a justice of the peace for Frederick county, to issue his warrant, directed to the sheriff of said county, commanding him to summon a jury of twelve disinterested persons, qualified to serve as jurors in the county court, to meet on the lands or farms of the parties aggrieved, on a certain day therein mentioned, of which day of meeting ten days notice shall be given in writing to the president of the company aforesaid, and the sheriff shall qualify the persons on oath, or affirmation, as the case may be, justly, truly and impartially, to value the damages which may have been sustained by the said John Logsdon, Philip Worbell, John Diffenbough, John Cover, John Mathias and Peter Erb, or either of them, by the location and making the Baltimore and Reister's-town turnpike road through their lands or farms, taking into consideration the advantages and disadvantages arising by making the road aforesaid, and the said jurors shall, after valuing the damage which may be sustained by the owner or owners of the lands or farms through which the aforesaid road passes, return, under their hands and seals, to the justice who issued the war-